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FAX COVER SHEET

Date:	August 24, 2005	Phone Number	Fax Number
To:	(571)273-8300		
From:	Kevin J. Zilka		

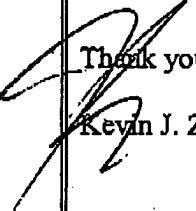
Docket No.: ABEIP002

App. No:10/644,944

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Woo.


Thank you,

Kevin J. Zilka

Original to follow Via Regular Mail Original will Not be Sent Original will follow Via Overnight Courier

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Practitioner's Docket No. ABE1P002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John R. Abe

Application No.: 10/644,944 Group No.: 3639
 Filed: August 19, 2003 Examiner: Woo, Richard S.
 For: CONTINUOUS PRIZE OPTIMIZATION SYSTEM, METHOD AND COMPUTER PROGRAM
 PRODUCT FOR SATISFYING CERTAIN BUSINESS OBJECTIVES

**Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
 TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
 (37 C.F.R. § 41.31)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 2, 2005, for a second time rejecting claims 1, 3, 4, 6-9, 11-13, and 17-40.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. Small Entity Status was requested on August 19, 2003.

08/25/2005 HTECKLU1 00000026 501351 10644944

01 FC:2401 250.00 DA

CERTIFICATION UNDER 37 C.F.R. "1.8(a) and 1.10*
 (When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

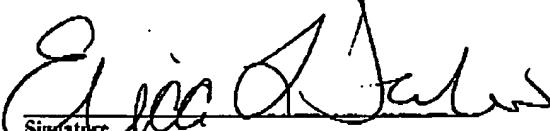
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Date: 8/24/2005


 Signature _____

Erica L. Farlow
 (type or print name of person certifying)

* Only the date of filing ("1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under "1.8 continues to be taken into account in determining timeliness. See "1.703(f). Consider "Express Mail Post Office to Addressee" ("1.10) or facsimile transmission ("1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity	\$250.00
Notice of Appeal fee due	\$250.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$250.00
TOTAL FEE DUE	\$250.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 50-1351 (Order No. ABE1P002).

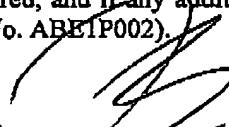
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. ABE1P002).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875


Signature of Practitioner
Kevin J. Zilka
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P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board--page 2 of 2